

REMARKS

In response to the action of December 26, 2008, applicant asks that all claims be allowed in view of the amendments to the claims and the following remarks. Claims 1-6, 10-15, 19, and 25-31 are currently pending, with claims 1, 10, and 19 being independent. Claims 1, 10, 19, 22, 25, and 26 have been amended, claims 27-31 have been added, and claims 20-24 have been cancelled without prejudice or disclaimer of subject matter. Support for the amendments and new claims may be found throughout the application, for example, at page 7, line 10 through page 12, line 13 referring to FIGS. 2A and 2b and at page 15, line 6 through page 20, line 16 referring to FIGS. 5-7. No new matter has been introduced.

Interview Summary

Initially, Applicants' undersigned representative thanks Examiner Zelaskiewicz for the thoughtful courtesies and kind treatment afforded during the telephone interview conducted on March 3, 2009. During the interview, Examiner Zelaskiewicz and Applicants' representative discussed amended independent claim 1 with respect to the cited references. This reply reflects the substance of the interview.

§ 112 Rejection

Claims 19-21, 23, and 24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has cancelled claims 20, 21, 23, and 24 without prejudice or disclaimer of subject matter, thereby rendering the rejection of claims 20, 21, 23, and 24 moot. Applicant has amended independent claim 19 and submits that the amendments to independent claim 19 address all of the issues raised in the Office Action with respect to claim 19. Therefore, applicant respectfully requests reconsideration and withdrawal of this rejection.

§ 101 Rejection

Claims 10-15 and 21-26 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended independent claim 10 and submits that the

amendments to claim 10 address all of the issues raised in the Office Action. Therefore, applicant respectfully requests reconsideration and withdrawal of this rejection.

Double Patenting Rejections

Claims 1, 10, and 19 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, and 15 of copending Application No. 10/784,196. Without conceding obviousness, applicant respectfully requests that this provisional rejection be held in abeyance until the claims of both this application and those in Application No. 10/784,196 are otherwise held to be allowable.

§ 103 Rejections

Claims 1-6, 10-15, and 19-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bracho et al. (U.S. Patent No. 5,870,605) in view of Cheng et al. (U.S. Patent No. 5,884,324). Applicant requests reconsideration and withdrawal of this rejection because each of Bracho, Cheng, and the proposed combination fail to describe or suggest the subject matter of amended independent claims 1, 10, and 19, as described more fully below.

As amended, independent claim 1 recites a computer program tangibly embodied on computer-readable medium that is programmed to execute, based on accessed information for a subscription generator including information associating a publication with distribution criterion including a query, the query against portions of application data to generate a list of subscriptions for the publication associated with the subscription generator, modify, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query, and send replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on automatic assignment of data sites to the generated data subscriptions. Applicant submits that each of Bracho, Cheng, and the proposed combination fail to describe or suggest at least these features.

Specifically, Bracho describes techniques for making information available via a networked system of publishers and subscribers. *See* Bracho at col. 1, lines 19-21. “Publishers” publish information, and “subscribers” request and use the information. *See* Bracho at col. 1, lines 63-65. In particular, each subscriber receives information (or an event) published by the publisher if, and only if, the events match subscription criteria specified by the subscriber. *See*

Bracho at Abstract; col. 2, lines 19-21. To receive information, the subscribers register a subscription for an event type. *See* Bracho at col. 8, lines 44-51. Subscribers then specify the information that they want to receive by an event type and the content of the event. *See* Bracho at col. 5, lines 24-25. As such, Bracho describes a system in which information is published to subscribers based on the event and the content of the event *as specified by the subscriber*. The Bracho system does not execute, based on accessed information for a subscription generator including information associating a publication with distribution criterion including a query, the query against portions of application data to generate a list of subscriptions for the publication associated with the subscription generator, modify, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query, and send replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on automatic assignment of data sites to the generated data subscriptions, as recited by amended claim 1.

In addition, Cheng fails to remedy the deficiencies of Bracho discussed above. Specifically, the action relies on Cheng for disclosing "computer systems (computer) operating an application program (software programs) having application data of various data types." *See* Office Action of December 26, 2008 at page 4. Accordingly, Cheng does not remedy the failure of Bracho to describe or suggest executing, based on accessed information for a subscription generator including information associating a publication with distribution criterion including a query, the query against portions of application data to generate a list of subscriptions for the publication associated with the subscription generator, modifying, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query, and sending replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on automatic assignment of data sites to the generated data subscriptions, as recited in amended claim 1.

Accordingly, each of Bracho, Cheng, and the proposed combination fails to describe or suggest the subject matter recited by amended claim 1. Therefore, for at least these reasons, applicant requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

Independent claims 10 and 19, although different in scope from claim 1 and each other, recite features similar to those in claim 1 discussed above. Accordingly, for at least the reasons discussed above with respect to claim 1, applicant requests reconsideration and withdrawal of the rejection of claims 10 and 19 and their dependent claims.

New Claims

New claims 27-31 each depend from independent claim 10. At least for the reason of that dependency and the reasons noted above with respect to independent claim 10, applicant submits that claims 27-31 are allowable.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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